UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,827	01/26/2004	Philip Stephen Smith	PA0958.ap.US	6900

7590 12/13/2006	EXAMINER
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DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/764,827	SMITH ET AL.
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 September 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-41_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-41_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _10/10/06_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

In response to the amendments filed on 9/29/06, claims 1-4, 14, 16-18, 20-26, and 31

have been amended and claim 41 has been newly added. Claims 1-41 are pending in the current

application. With respect to claims 22-25, the limitation change to "having its own local

processor that executes code" overcomes the indefinite rejection and the Examiner has retracted

the 35 USC 112 rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-24, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by

Miyamoto et al. (US 6,607,443 B1).

Regarding claims 1, 22, and 41, Miyamoto discloses an automated gaming system

comprising a gaming table and an upright video display panel comprising: (a) an upright video

display panel, the panel displaying a virtual image of a dealer (*see Fig. 7 and the related*

description thereof); (b) a table having an upper surface, the upper surface having a substantially

horizontal video display surface that provides a continuous field of video display and at least two

different player positions (*see elements [10-12] of Fig. 1 and the related description thereof*); (c)

at least one player position having at least one local processor dedicated to the at least one player

position that is capable of executing code (*see sub-cpu [204] and main cpu [201] of Fig. 15 and the related description thereof*) and (d) at least one main game processor and optionally at least one additional game display processor in information communication with the upright video display panel and the video display surface, the main processor or at least one display processor directing video display on both the upright video display panel and the video display surface, and the main game processor providing game rules for the play of at least one casino table card game without the use of physical cards on the table (*see Fig. 3-4 and the related description thereof*). Additionally, Miyamoto discloses a gaming system that comprises a plurality of player stations, each player station having its own manufactured intelligence, which is a processor that executes code (*see col. 14: ln 4-49*).

Regarding claim 2, Miyamoto discloses a gaming system wherein each player position has an individual player processing board that is capable of executing code and is dedicated to that position (*see Figs. 9, 13 and the related description thereof, col. 2: ln 41-64*).

Regarding claim 3, Miyamoto discloses a gaming system wherein each individual player processing board that executes code will also communicate directly with the main game processor (*see col. 2: ln 41-64, sub-cpu and main cpu interaction of Fig. 15 and the related description thereof*).

Regarding claims 4-5, Miyamoto discloses a gaming system wherein each individual player processing board communicates directly with a single Dealer game engine processor or communicates directly with the display processor (*see col. 4: ln 17-35*).

Regarding claims 7-10, Miyamoto discloses a gaming system wherein the video display surface has changeable light filtering that can screen displayed images from various angles (*ie:*

video display is capable of being controlled to change alter the pixels and may be viewed from

various angles) (see display [7] of Fig. 1 and the related description thereof, col. 5: ln 1-54).

Additionally, Miyamoto discloses a system wherein the light filtering can be changed upon

command by a processor or by an external command. Furthermore, Miyamoto discloses a

gaming system wherein player input is provided at least in part by controls in the video display

surface *(see Fig. 13 and the related description thereof).*   .

Regarding claim 11, Miyamoto discloses a gaming system wherein the controls comprise

touch screen controls *(see Fig. 13 and the related description thereof, col. 14: ln 16-49).*

Regarding claim 12, Miyamoto discloses a gaming system wherein the controls comprise

a panel embedded into the video display surface *(see Fig. 19(a-b) and the related description*

thereof).

Regarding claims 13-15, Miyamoto discloses a gaming system wherein additional player

input can be provided from player input or player controls provided on a surface below the video

display surface and facing a position where players are to be seated *(see Fig. 20 and 23 and the*

respective related description thereof, element [401(a-c)] of Fig. 24 and the related description

thereof).

Regarding claims 16-19 and 21, Miyamoto discloses a gaming system wherein

communication between the main game processor and each local processor is performed through

a transaction-based protocol *(see col. 15: ln 25-50).* Additionally, Miyamoto discloses a system

wherein either the main game processor or local processing board can start a transaction *(see*

CPU block [20] and player terminal [10] of Fig. 4 and the related description thereof).

Regarding claim 20, Miyamoto discloses a gaming system wherein each player position

has a local processor comprising an individual player processing board dedicated to that position

and communication between the main game processor and the individual player processor is

performed through a transaction-based protocol (*ie: the play of the game is based upon certain*

conditions and input/output responses made by the player or game program)(*see col. 15: ln 25-*

50).

Regarding claim 23, Miyamoto discloses a device wherein each player station and the

main game processor are in communication (*see CPU [20] and player terminal [10] of Fig. 4*

and the related description thereof).

Regarding claim 24, Miyamoto discloses a device wherein the communication is event

driven (*ie: a processor controls the actions of the game when different inputs are received to*

advance a game) (*see col. 15: ln 25-50*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 25-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Miyamoto et al. (US 6,607,443 B1) in further view of Matsumoto et al. (US 5,497,461 A).

Regarding claim 26, Miyamoto discloses a gaming system comprising a gaming table and

an upright video display panel comprising: (a) an upright video display panel, the panel

displaying a virtual image of a dealer (*see Fig. 7 and the related description thereof*); (b) a table

having an upper surface, the upper surface having a substantially horizontal video display surface

that provides a continuous field of video display and at least two different player positions (*see*

elements [10-12] of Fig. 1 and the related description thereof), each player position having an

intelligent board that executes code; and (c) at least one main game processor and optionally at

least one additional game display processor in information communication with the upright video

display panel and the video display surface, the main processor or at least one display processor

directing video display on both the upright video display panel and the video display surface, and

the main game processor providing game rules for the play of at least one casino table card game

without the use of physical cards on the table (*see Fig. 3-4 and the related description thereof*);

(d) wherein the intelligent boards are in communication with the main game processor, sending

packets of information from player positions as events occur (*see col. 14: ln 4-49*). However,

Miyamoto is silent with regard to incorporating sending the information in the form of packets.

However, in the network arts it is inherent to establish a protocol in which communication

between two processors or devices may occur in a system. One of the most common ways is

using network packet that encapsulates information in a way that is consistent and accurate and

therefore the data will properly reach its destination. In a related gaming patent, Matsumoto et

al. teaches the implementation of monitoring packet information while transmitting data from

one processor to another (*see Fig. 11 and the related description thereof*). Matsumoto teaches

the implementation of packets to allow several different processors to know when the

information received is for them to act upon (*see Fig. 12 and the related description thereof*).

One would be motivated to incorporate such a feature in order to allow for distributed computing

to occur which would allow for several processors to communicate with one another. Therefore it would have been obvious to one of ordinary skill in the time the invention was made to incorporate a packet system to send information from the main processor to the player station at the time the invention was made.

Regarding claim 27, Miyamoto discloses a gaming system wherein the communication between the intelligent boards and the main game processor comprises communication of player input (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claim 28, Miyamoto discloses a gaming system wherein there is a dealer game engine intermediate the intelligent boards and the main game processor (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claim 29, Miyamoto discloses a gaming system wherein there is a direct line of communication between the intelligent boards and the main game processor for communication of player input (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claim 31, Miyamoto teaches a method of playing an automated game having an upright video display panel, the panel displaying a virtual image of a dealer (*see Fig. 7 and the related description thereof*), a table having an upper surface, the upper surface having a substantially horizontal video display surface that provides a common video display viewable from all player positions and at least two different player positions, each of the at least two player positions having an intelligent board (*see elements [10-12] of Fig. 1 and the related description thereof*), and a main game processor, the method comprising sending information from intelligent boards that executes code at player positions to the main game processor as

events occurs at player positions (*see Fig. 3-4 and the related description thereof*). However, Miyamoto is silent with regard to incorporating sending the information in the form of packets. However, in the network arts it is inherent to the art to establish a protocol in which communication between two processors or devices may occur in a system. One of the most common ways is using a network packet that encapsulates the information in a way that is consistent and accurate and therefore the data will properly reach its destination. In a related gaming patent, Matsumoto et al. teaches the implementation of monitoring packet information while transmitting data from one processor to another (*see Fig. 11 and the related description thereof*). Matsumoto teaches the implementation of packets to allow several different processors to know when the information received is for them to act upon (*see Fig. 12 and the related description thereof*). One would be motivated to incorporate such a feature in order to allow for distributed computing to occur which would allow for several processors to communicate with one another. Therefore it would have been obvious to one of ordinary skill in the time the invention was made to incorporate a packet system to send information from the main processor to the player station at the time the invention was made.

Regarding claim 32, Miyamoto teaches a method wherein player input initiates the communication between the intelligent boards and main game processor (*ie: the player input initiates play of the game through a wager; see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claim 33, Miyamoto teaches a method wherein there is a dealer game engine intermediate the communication path between the intelligent boards and the main game processor (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claim 34, Miyamoto teaches a method wherein the packets of information are sent directly from the intelligence boards from the intelligence boards to the main game processor for communication of player input (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*).

Regarding claims 35 and 38, Miyamoto teaches a method wherein the communication is event driven (*ie: a processor controls the actions of the game when different inputs are received to advance a game*) (*see col. 15: ln 25-50*).

Regarding claim 36 and 39, Miyamoto teaches a method wherein the communication comprises a cyclic redundancy check (*see CPU [20] and player terminal [10] of Fig. 4 and the related description thereof*). Miyamoto is silent with regard to the communication comprising a cyclic redundancy check. However Miyamoto teaches a system that incorporates communication between a CPU and a player station. It is an inherent problem in the networking field that information can be lost transferring from one point to another. One of the solutions is a cyclic redundancy check that allows the data integrity to be checked and validated. The incorporation of a cyclic redundancy check into a communication is old and well known in the art of communication systems and would therefore be obvious to one of ordinary skill in the art at the time the invention was made to incorporate in order to protect and check the data being transferred within the system.

Regarding claim 37 and 40, Miyamoto teaches a method wherein the communication is transaction based (*ie: the play of the game is based upon certain conditions and input/output responses made by the player or game program*)(*see col. 15: ln 25-50*).

Regarding claims 25 and 30, Miyamoto teaches a device wherein information

communicated is included in an information packet (*see Fig. 4 and the related description*

thereof). However, at the time the invention was made it is old and well known in the

communication arts to formulate information packets in order to transfer information. It would

not be possible to transfer data from one device to another without a protocol such as a packet to

transport the data. Therefore as taught by Matsumoto above, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to incorporate the use of packets

while transferring data from one processor with the system of Miyamoto in order to

communicate with the intelligent boards.

Response to Arguments

Applicant's arguments filed 9/29/06 have been fully considered but they are not

persuasive. The applicant's representative contends that the prior art of Miyamoto lacks in

disclosing any type disclosure or teaching of the applicant's "manufactured intelligence".

Although the applicant's opinions have been noted and fully considered, the Examiner

respectfully disagrees. The term of contention the applicant's representative has stated in the

remarks is that intelligence is defined as "**the ability to execute code**". If this is the definition of

the applicant's intelligence in their invention then it can be defined as any processor or any

processing component in modern computing systems. It is an inherent property in modern

processors to accept signals or execute code in the form of software or hardware circuits. If a

processor did not have the ability to execute code or software or information from hardware

circuits, then it would not be able to perform any operations. Therefore Miyamoto's system

meets the criteria set form by the applicant's claims, since it provides a plurality of individual

terminals, which are in communication with a main CPU that processes the operations of the

game and is in communication with the individual local processors (*ie: sub-CPU*) which handle

the player input responses to allow the operation of the game to occur. By the definition of

intelligence set forth above, all processors disclosed and taught in Miyamoto inherently have the

ability to execute code, since they are responsible for the processing of a game program in order

to operate a game. Additionally, Examiner also directs the applicant's representative to

independent claims 1, 22, 26, and 41, which have been examined as apparatus claims. The prior

art of record, Miyamoto operates and performs a game with a video display and a plurality of

player terminals. The contention that the processors do not have manufactured intelligence (*ie:*

ability to execute code) is a moot point since the processors of Miyamoto are still capable of

having manufactured intelligence and therefore anticipate the instant invention (*see MPEP 2112,*

In re Schreiber, 128 F.3d at 1478, 44 USPQ2d at 1432). Finally, the applicant's representive

attacks that Miyamoto's player terminal processor little more than 'button' functions, such that

when stimulated an electrical signal is sent. However, the invention of Miyamoto is able to

sense the movements and desired operations of a player. The applicant's representative is

correct in the fact that signals are sent from the input/output devices, however, they are then

collected and processed in order to cause an effect in the game program. By the definition set

forth by the applicant's representative "the ability to execute code" these processors translate the

signals and then translate the information into the game which would require using code to

communicate between the hardware signals and the game program. However, the Examiner

directs the applicant to its own contradiction that Miyamoto fails to meet the criteria set forth by

the claim limitations. In applicant's own specification intelligence is described as "the ability to

execute code, either provided in the form of software or hardware circuits. Such processing may

at least comprise some of **signal converting** (e.g., signals from player card readers, credit

deposit, currency readers, coin readers, touch screen signals, control panel signals) into a signal

that can be included in an information packet and interpreted by the main game computer when

the signal is sent". Miyamoto meets this criteria by using "recognition circuits" to translate the

information into command or response that is useable in the game program.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Sines et al. (US 6,270,404 B2) - Automated System for Playing Live Casino Table

Games Having Tabletop Changeable Playing Card Displays and Play Monitoring Security

Features.

Kaneko et al. (US 5,879,235 A) – Ball Game Machine with a Roulette-Type Rotary Disk

and a Display Located in the Central Area Therein.

Ikeda et al. (US 5,976,019 A) – Running Simulation Apparatus.

Nagao et al. (US 6,394,898 A) – Race Game Device.

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The

examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Robert P. Olszewski can be reached on (571)272-6788. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RH
December 06, 2006

SCOTT JONES
PRIMARY EXAMINER